



United States Mission to the OSCE

Statement on Human Rights Defenders: Legislation and Implementation of OSCE Commitments

As prepared for delivery by Chargé d'Affaires Kyle Scott
to the Supplemental Human Dimension Meeting
on Human Rights Defenders,
Vienna, March 31, 2006

Thank you, Mr. Moderator.

The United States values the vital role that human rights defenders and monitoring groups have played in promoting OSCE principles and facilitating the spread of human rights and fundamental freedoms throughout the thirty years of the Helsinki Process.

In the Helsinki Final Act, the participating States recognized the universal significance of human rights and fundamental freedoms and confirmed that organizations and individual human rights defenders have a relevant and positive role to play in spreading awareness about these rights and freedoms. With the end of the Cold War, we had hoped States would see the benefits of engaging in constructive dialogue and partnerships with human rights defenders and civil society.

It is therefore extremely disconcerting that members of Helsinki Committees and other human rights monitoring groups, as well as journalists who write about human rights and democracy, are still subject to arbitrary arrest, dubious tax-related charges, and other repressive measures in several OSCE participating States today.

In the 1990 Copenhagen Document States committed to respect the right of their citizens to contribute actively to the promotion and protection of human rights and fundamental freedoms, including:

- by forming, joining, and participating in NGOs;
- through unhindered access to and communication with other NGOs at home and abroad;
- and by soliciting, receiving and utilizing voluntary financial contributions from national and international sources as provided for by law.

Unfortunately, some participating States have not yet brought their national legislation into accordance with these commitments, although they were undertaken fifteen years ago.

Others, such as Russia and Uzbekistan, have recently passed *new* laws that seem to be designed to restrict the activities of non-governmental organizations through onerous registration requirements, or restrictions on receiving foreign funding or participating in "political" activities, which are poorly defined.

We encourage those States that have registration requirements for NGOs to do away with them or, at the very least, to make them simpler, more transparent, and accountable. Otherwise, States are able to selectively apply this legislation for political purposes, in order to stifle perceived opposition sentiment, and in some cases States already are. The United States encourages Tajikistan to take these issues into account when deciding how to proceed with new draft legislation related to NGOs now under consideration.

Registration requirements can have a chilling effect on civil society activity and the ability of all NGOs, particularly international NGOs and those which receive foreign funding, to work freely. Such problems have been faced by groups including the Belarusian Helsinki Committee and several youth organizations, as well as Freedom House and IREX, which were closed down in Uzbekistan. The United States remains concerned new registration requirements and vague criteria also leave the new Russian NGO law open to misuse, and will monitor closely implementation of the new law.

In the United States, no registration is required to form, join, or participate in any NGO, whether it is a human rights monitoring group, a bowling league, or a bird watchers' club. Of course, certain approvals are necessary for those NGOs seeking tax-free status, or those wanting to organize a parade, for example. In accordance with the Copenhagen document, the U.S. enforces pertinent regulations in a transparent and non-discriminatory manner, consistent with international standards.

Transparency and non-discrimination are the keys here. We recognize and appreciate the importance of the stipulation in the Copenhagen Document allowing certain limitations on the rights of free association and assembly in accordance with domestic law. Yet we also take very seriously the stipulation that these limitations are only allowed in accordance with international obligations to uphold human rights and fundamental freedoms.

“National security” should be interpreted strictly and must never be used as an excuse to crush gatherings by people peacefully asserting their human rights, as we have seen over the past two weeks in Belarus. Another example of such misuse was seen in the aftermath of the May 2005 events in Andijon, Uzbekistan. Since those events, the Government of Uzbekistan, under the pretext of national security, has jailed or mistreated dozens of human rights activists for speaking about the events to foreign media. Likewise, national security is not a legitimate excuse for preventing expatriate human rights defenders from attending international conferences, such as this one, or the annual Human Dimension Implementation Meeting in Warsaw. In this regard, the United States is glad to see participation in this SHDM by representatives of several organizations monitoring the human rights situation in Turkmenistan.

Finally, the United States believes very strongly in our shared commitment to allow NGOs to solicit and receive funding, including from foreign sources. That is why we have proudly supported many NGOs around the world and will continue to do so in our commitment to helping the development of civil society and to supporting human rights defenders and monitoring groups. We simultaneously welcome funding from abroad for American NGOs.

The United States strongly supports the ODIHR in its ongoing work to train civil society representatives to monitor the human rights situation in their countries. We appreciate the

efforts made by the International Helsinki Federation, the International League for Human Rights, and other international organizations that have brought so many human rights defenders to this meeting here today.

Thank you, Mr. Moderator.